Application No. 09/826,602

REMARKS

1.   Applicant thanks the Examiner for the Examiner's comments, which have greatly assisted Applicant in responding.

5

2.   In Detailed Action, Item 3, it was noted that the patent application claims foreign priority benefit under 35 USC 119 of the foreign application, Germany 10051527.4, filed on 17 October 2000.

10   Applicant respectfully points out that this is in error because this pertains to Application Serial No. 09/982,285, which is not the claimed invention.

Applicant respectfully requests that the USPTO correct the situation such that only papers regarding Applicant's patent application are present in the file wrapper.

15

3.   **Claim Rejections – 35 USC §102**

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lewis *et al*, herein Lewis, US 5,872,928.

20

Applicant respectfully traverses. Applicant is of the opinion Lewis does not teach every element of Claim 1.

Specifically, the Examiner stated that Lewis is directed to configuration management of
25   communication networks, and more specifically to an apparatus and method for defining and enforcing configuration policies for configuration management of network devices. The Examiner also stated that consequently Lewis teaches the claimed subject matter of the present invention.

30   Claim 1 appears hereinbelow:

2

Application No. 09/826,602

    1.(currently amended)   A user interface for displaying processed and analyzed network <u>traffic</u> data to an end user, comprising:

        a system dashboard kept up to date with current monitoring information <u>comprising network traffic data</u> from a monitored network, said dashboard comprising:

5

            a network status console area;

            a network events viewing area; and

            a trend viewing area.

10   The claimed invention is a user interface that displays real network traffic data observed (monitored) on a real network. As described within the patent application, the network events viewing area enables the end user to view network events from one specified time to another and in summary or all view, as well as other items. The trend viewing area as described in the patent application shows trends of traffic data.

15

In stark contrast, Lewis does not teach, at least, a network events viewing area nor a trend viewing area. Lewis teaches a user interface for the purposes of showing features of configuration management – not analyzed traffic data. Lewis is apples while the claimed invention is oranges.

20

For example, the Examiner cited as support in Lewis:

    the configuration management system further includes at least status and history (or trend) reporting window (30)

25

Applicant objects to the Examiner added "window" when a window is not shown in the corresponding figure, nor mentioned within the entire text of Lewis. Therefore, it is improper for the Examiner to add such subject matter to the prior art reference.

3

Application No. 09/826,602

Applicant also points out that the use of status within Lewis refers to the status of a **configuration** of a particular network machine, *e.g.* time when loaded, loaded by whom (see Lewis, Fig. 2, status section 54.)

5   Applicant also points out that other than the line cited hereinabove, "the configuration management system further includes at least status and history (or trend) reporting window (30)," there is no further descriptive text in Lewis. Applicant points out that Lewis is further silent on history and item 30.

10   Nevertheless, Applicant has amended Claim 1 to further clarify the invention.

Accordingly, in view of the argument hereinabove and of the amendment, Applicant is of the opinion that Claim 1 and hence its dependent claims are in allowable condition. As such, Applicant respectfully requests that the Examiner withdraw the rejection.

15

4.   **Claim Rejections – 35 USC §103**

(a).   Claims 2, 3, 5-10, 12-27, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Arrowsmith *et al*, herein Arrowsmith, US 6,064,304.

20

The rejection of Claims 2, 3, 5-10, 12-27, 36 and 37 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claim 1, above. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

25   (b)   Claims 4, 11, and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Ditmer *et al*, herein Ditmer, US 6,064,304.

The rejection of Claims 4, 11, and 28-35 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claim 1, above. Therefore, Applicant
30   respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).
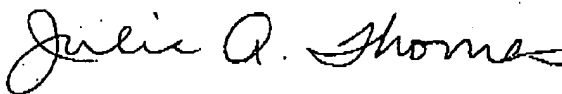
4

Application No. 09/826,602

5.　　It should be appreciated that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment, Applicant has not and does not in any way narrow the scope

5　of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

5

Application No. 09/826,602

CONCLUSION

Based on the foregoing, Applicant considers the claimed invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's
5   withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call (650) 474-8400 to discuss the response.

10

Respectfully Submitted,

[signature: Julia A. Thomas]

15   Julia A. Thomas
Reg. No. 52,283

Customer No. 22862

6